

L. Londell McMillan, PC
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Attorneys for Plaintiff X Legacy, LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X Legacy, LLC,

Plaintiff,

-against-

Third World Press Inc.,

Defendant.

Case No. 13 CV 7984 (LTS)(HBP)

ECF Case

**DECLARATION IN SUPPORT OF
MOTION FOR SUBSTITUTION OF
COUNSEL**

L. Londell McMillan hereby declares as follows:

1. I am a practicing attorney duly admitted to the Bar of the State of New York and admitted to practice before this Court. I am a partner at the firm of L. Londell McMillan, PC attorneys for Plaintiff X Legacy, LLC. I submit this declaration in support of Plaintiff's motion pursuant to Rule 1.4 of this Court's Local Rules for an order granting the substitution of L. Londell McMillan for Meister Seelig & Fein LLP as counsel for Plaintiff X Legacy, LLC in this action.

2. Pursuant to Local Civil Rule 1.4 of the Southern District of New York, an attorney must obtain leave of the Court to displace counsel. Leave may be granted upon a showing "by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case, including its position, if any, on the calendar." S.D.N.Y. Local Civ. R. 1.4.

3. I have been informed by Plaintiff X Legacy, LLC that it wishes to have L. Londell McMillan, PC substituted as counsel of record in this action. *See Woodbury v. Andrew Jergens Co.*, 61 F.2d 736, 739 (2d Cir. 1932) ("a client may change counsel as he sees fit, and substitutions of attorneys are granted upon that theory"). Meister Seelig & Fein LLP, outgoing counsel for Plaintiff X Legacy, LLC, have stipulated and agreed to this substitution. (A true and accurate copy of the March 5, 2014 Stipulation is attached hereto as Exhibit A)

4. Moreover, the Temporary Restraining Order in favor of Plaintiff X Legacy LLC, has been continued pending resolution of the Preliminary Injunction Motion and a briefing schedule has been set (*see* Docket No. 26, Memo Endorsement dated January 28, 2014). Because L. Londell McMillan, PC is prepared to conduct briefing and argue the Preliminary Injunction Motion, substitution of counsel will not result in any delay in this case or any prejudice to Defendant. Further, L. Londell McMillan, PC has plenty of time familiarize themselves with the facts and issues of this litigation, enter any responsive papers, if needed, and consult with Defendant's counsel in preparation for the hearing on March 24th, 2014 at 2:00pm as Ordered.

5. Upon information and belief, Meister Seelig & Fein LLP is not asserting a retaining or charging lien.

6. I declare under penalty of perjury that the foregoing is true and Correct.

Executed this 5th day of March, 2014

A handwritten signature in dark ink, appearing to read 'L. McMillan', is written over a horizontal line.

L. Londell McMillan, PC